

Village of Canal Winchester
36 South High Street
Canal Winchester, OH 43110-1213

Village Council
August 6, 2007
To immediately follow Public Hearings

Minutes

Call to Order:

The Council of the Village of Canal Winchester met on the above date for its regularly scheduled meeting and was called to order by Dr. Bender.

Pledge of Allegiance:

Lead by Mr. Paini

Roll Call:

Present for roll call was: Dr. Bender, Mr. Donahue, Ms. Eisnaugle, Mr. Jarvis, Ms. Mershon, Mr. Paini and Ms. Turner

Approval of Minutes:

Mr. Donahue moved to approve the minutes of the July 16, 2007 Regular Council meeting, July 16, 2007 Public Hearings. Ms. Mershon seconded the motion. Motion carried.

VOTE: AYES: Mr. Donahue, Ms. Mershon, Ms. Eisnaugle, Ms. Turner, Mr. Paini, Mr. Jarvis, Dr. Bender

NAYS:

Communications & Petitions:

Hometown Hero presentation is given to honor Mr. Mike Porhille, a WWII veteran, VFW member, volunteer, and active community member. He is presented with an American flag from the Franklin County Veterans Service Commission

Enclosed in packets are copies of the letter from James W. Rarey regarding the zoning of the Henrietta Pfeifer property on Winchester Pike and the grant request from Friends for Life Animal Haven for \$4,700.00.

Village Residents Comments:

John Garrett of 250 Cherokee Ct. discussed the effort for branding the community so that businesses may unite under the logo. He encouraged the council to consider adopting the new logo.

Tony Note of 126 E. Columbus St. supports the child sex-offender ordinance. He hopes to hear how the ordinance will be enforced. Additionally, he expresses concern regarding the safety of the usage of golf carts on the streets. Finally, he disagrees with the branding proposal; specifically, he would like to see the historical canals represented in the logo. He recommends enlisting the assistance of marketing specialists to redesign the illustration.

Jeanette Schneider of 153 E. Waterloo St. describes the historical importance of the canal, disagreeing with its omission from the logo. Also, she mentions that eight out of the nine historical society trustees are not in favor of the branding law.

Mary Jane Metcalf of 7188 Charleton Ct. expressed her support and personal experience with the Friends for Life Animal Haven. In addition, she is not in support of the logo. Logos across the town will have to be replaced. She also has not heard of the city's art guild being involved in any way, which she believes would have been appropriate.

Frances Steube of 35 Kramer St. discussed her disapproval of using the railroad over the canal to represent the village. She also believes that it is appropriate for individual businesses such as the historical society to have separate logos.

Jeffrey Bond of 36 Washington St. d addresses the logo issue. He thinks that the designers made a great, creative effort in the logo, and he is neither for nor against it, although he recognizes the need for it. He suspects underlying political currents within the debate.

John Demkowicz of 70 E. Columbus St. addressed the golf cart issue. He reviews the operation costs of charging the electric golf carts as well as the pollution effects. He strongly opposes the ordinance for ecological, economic, and safety reasons.

James Boltzer of 6342 Streams End Dr. proposes the motto "Experience the Heritage, Embrace the Future." He agrees with Mr. Demkowicz about the dangers of golf carts. However, he thinks that a compromise can be achieved for those who need to use the golf carts to get around.

Melanie White of 7850 Brooks Bend Ct. tells the council of an individual she knows who has a golf cart that has safety features, and she says that the risk of injury is assumed by the operator and is a matter of personal choice.

ORDINANCES:

1st Reading

Sponsor: Ms. Mershon

O-08-07A AN ORDINANCE TO AMEND CHAPTER 1141 AND PORTIONS OF CHAPTERS 1143, 1145 AND 1147 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF CANAL WINCHESTER TO ENACT REVISIONS TO THE ZONING CODE.

Ms. Mershon gave the first reading of the above draft ordinance. Motion to amend section 1141.11b, section 1143.05e rezoning and code amendment, section 1145.06a conditional use permit appeals, section 1147.07a, variance appeals to require a simple majority rather than a $\frac{3}{4}$ majority to modify or reverse a zoning decision. Ms. Mershon moved to make amendments and was seconded by Mr. Donahue. All ayes, motion carried.

Ms. Mershon moved to adopt Ordinance 45-07 and was seconded by Ms. Eisnaugle. Motion carried 6 – 1.

VOTE: **AYES:** **Ms. Mershon, Ms. Eisnaugle, Dr. Bender, Mr. Donahue, Mr. Jarvis, Mr. Paini**
NAYS: **Ms. Turner**

Sponsor: Ms. Mershon

O-08-07F TO ESTABLISH THE REGISTRATION FEE FOR UNDER-SPEED VEHICLES INCLUDING GOLF CARTS AND DECLARING AN EMERGENCY.

Ms. Mershon gave the first reading of the above draft ordinance. Ms. Mershon moved to suspend the rules and declare an emergency and was seconded by Ms. Eisnaugle. All ayes, motion carried.

VOTE: **AYES:** **Ms. Mershon, Ms. Eisnaugle, Dr. Bender, Mr. Donahue, Mr. Jarvis, Mr. Paini, Ms. Turner**

NAYS:

Ms. Mershon moved to adopt Ordinance 46-07. The motion was seconded by Ms. Eisnaugle. All ayes, motion carried.

VOTE: **AYES:** **Ms. Mershon, Ms. Eisnaugle, Dr. Bender, Mr. Donahue, Mr. Jarvis, Mr. Paini, Ms. Turner**

NAYS:

Sponsor: Mr. Jarvis

O-08-07G AN ORDINANCE ESTABLISHING A PROHIBITION OF PERSONS WHO HAVE BEEN CONVICTED OF, ARE CONVICTED OF, WHO HAVE PLEADED GUILTY TO, OR WHO PLEAD GUILTY TO EITHER (1) A SEXUALLY ORIENTED OFFENSE THAT IS NOT A REGISTRATION-EXEMPT SEXUALLY ORIENTED OFFENSE FOR A CRIME COMMITTED AGAINST A CHILD OR (2) A CHILD-VICTIM ORIENTED OFFENSE; AND WHO HAVE BEEN CLASSIFIED AS EITHER A SEXUAL PREDATOR OR AS A SEXUALLY ORIENTED OFFENDER AS TO EITHER (1) OR (2) ABOVE, FROM ESTABLISHING A RESIDENCE OR OCCUPYING RESIDENTIAL PREMISES WITHIN ONE THOUSAND (1,000) FEET OF ANY PUBLIC OR PRIVATE SCHOOL PREMISE, LICENSED DAY CARE FACILITY, PRE-SCHOOL, VILLAGE-OWNED OR OPERATED PUBLIC PARK OR PLAYGROUND, LIBRARY, OR PUBLIC SWIMMING POOL, AND DECLARING AN EMERGENCY.

Mr. Jarvis moves to suspend the rules, is seconded by Ms. Mershon, and then withdraws. Mr. Donahue asked if it could be changed to 1,500 feet and see mapping of the affected areas. Federal laws will be reviewed and maps will be prepared. Mr. Jarvis gave the first reading of the above draft ordinance.

2nd Reading

Sponsor: Ms. Turner

O-07-07F AN ORDINANCE TO AUTHORIZE THE MAYOR AND FINANCE DIRECTOR TO ENTER INTO A DEPOSITORY AGREEMENT WITH THE HUNTINGTON NATIONAL BANK FOR THE DEPOSIT OF PUBLIC FUNDS.

Ms. Turner gave the second reading of the above draft ordinance.

3rd Reading

Sponsor: Mr. Jarvis

O-07-07A AN ORDINANCE TO AMEND THE 2007 APPROPRIATION ORDINANCE 90-06.

Mr. Jarvis gave the third reading of the above draft ordinance.

Mr. Jarvis moved to adopt ordinance 47-07 and was seconded by Mr. Donahue. All ayes, motion carried.

VOTE: AYES: Mr. Jarvis, Mr. Donahue, Dr. Bender, Ms. Turner, Ms. Eisnaugle, Ms. Mershon, Mr. Paini

NAYS:

Sponsor: Mr. Paini

O-07-07B AN ORDINANCE AUTHORIZING THE MAYOR TO SEEK FINANCIAL ASSISTANCE FROM THE SCIP/LTIP FOR FUNDING OF A CAPITAL INFRASTRUCTURE IMPROVEMENT PROJECT, THRUSH DRIVE RECONSTRUCTION PHASE II.

Mr. Paini gave the third reading of the above draft ordinance.

Mr. Paini moved to adopt ordinance 48-07 and was seconded by Ms. Mershon. All ayes, motion carried.

VOTE: AYES: Mr. Paini, Ms. Mershon, Mr. Donahue, Ms. Turner, Mr. Jarvis, Ms. Eisnaugle, Dr. Bender

NAYS:

Sponsor: Mr. Paini

O-07-07E AN ORDINANCE TO AUTHORIZE THE ISSUANCE OF A PERMIT TO THE MADISON TOWNSHIP FIREFIGHTERS LOCAL 2507 TO SOLICIT CHARITABLE CONTRIBUTIONS FROM THE OCCUPANTS OF VEHICLES FOR THE MUSCULAR DYSTROPHY ASSOCIATION.

Mr. Paini gave the third reading of the above draft ordinance.

Mr. Paini moved to adopt ordinance 49-07 and was seconded by Mr. Jarvis. All ayes, motion carried.

VOTE: AYES: Mr. Paini, Mr. Jarvis, Mr. Donahue, Dr. Bender, Ms. Eisnaugle, Ms. Mershon, Ms. Turner

NAYS:

RESOLUTIONS:

1st Reading

Sponsor: Dr. Bender

R-08-07A A RESOLUTION AUTHORIZING THE MARKETING BRAND FOR THE VILLAGE OF CANAL WINCHESTER.

Dr. Bender gave the first reading of the above draft resolution.

2nd Reading

Sponsor: Ms. Eisnaugle

R-07-07C A RESOLUTION TO PRESERVE THE GREEN SPACE OF STRADLEY PLACE AS OPEN SPACE.

Ms. Eisnaugle gave the second reading of the above draft resolution.

3rd Reading

Sponsor: Ms. Mershon

Ms. Mershon gave the third reading of the above draft resolution.
Ms. Mershon moves to adopt Resolution 08-07 and is seconded by Ms. Turner. All ayes,
motion carried.

VOTE:

AYES: **Ms. Mershon, Ms. Turner, Mr. Paini, Mr. Jarvis,**
Ms. Eisnaugle, Mr. Donahue, Dr. Bender

NAYS:

R-07-07B A RESOLUTION TO AUTHORIZE THE VILLAGE STAFF AND THE FAIRFIELD COUNTY SHERIFF'S DEPARTMENT TO DETERMINE THE BEST PROCEDURES FOR IMPLEMENTING THE USE OF GOLF CARTS AS MOTORIZED VEHICLES ON VILLAGE STREETS.

ODOT has replaced all of the guard rails on Gender Rd. from I70 to the county line. They also added a concrete median strip at the U.S. 33 Gender Road north bound off ramp.

Mayor Miller asked the Council's permission to travel to Pickerington's Council meetings to thank them for their 300,000 gallons/day water allotment. Council supports the idea.

Development Director:

Mr. Strayer has submitted some materials to the Columbus Crew, and is still waiting to hear back from them on a timeline for a site selection. He is also hoping to receive the Office Development submittal by September. He is now looking at about 20-25,000 sq. ft. of office and 15,000 sq. ft. of retail in the same complex.

He is meeting with Central Ohio CIC for the Marathon station on Friday, and they have found some new funding sources through the EPA, the Ohio Department of Development and the Ohio Department of Commerce.

He has met with the developer for the Davis paint site, who shared his vision for development of the area. They plan to meet again to discuss building designs.

Village Solicitor's Report:

A request was made for an Executive Session to review personnel issues and for pending or threatening litigation.

The letter from James Rarey is discussed. The letter implies that he has information about the Pfeifer property that Council has not reviewed. They plan to ask him to produce the documentation.

Fairfield County Sheriff's Report:

The new cruiser was ordered and picked up about 3.5 weeks ago. Then they received a call from Ford: the vehicle had been recalled and requires a new part.

This month there were 50 more dispatch calls than last month. A worksheet illustrates the types of calls that they have received. Shoplifting has increased.

Finance Director's Report:

Council will meet again Tuesday, September 4, 2007 at 7:00 PM.

The Village does not have a booth planned for the Labor Day festival.

Council Reports:

Service Committee: Monday, August 20, 2007 at 5:00 PM
Finance Committee: Monday, September 24, 2007 at 5:00 PM
Safety Committee: Monday, August 20, 2007 at 6:00 PM
Old Town Committee: Tuesday, September 4, 2007 at 6:00 PM

New Business:

Many complaints have been made regarding trailers parked in the street. The Village has resolved this issue and has been yielding the calls instead of the Sheriff's office since it is a zoning issue and not a criminal issue.

Old Business:

A request for a council member has been made to speak to the Miss Canal Winchester candidates and judges for Saturday, August 25, 2007. Mr. Paini has agreed to do this.

Adjourn to Executive Session:

VOTE:

AYES: Ms. Mershon, Ms. Turner, Mr. Paine, Mr. Jarvis, Ms. Eisnaugle,
Mr. Donahue, Dr. Bender

NAYS:

VOTE: **AYES:** Mr. Donahue, Mr. Paini, Dr. Bender, Ms. Eisnagle, Mr. Jarvis,
 Ms. Mershon, Ms. Turner
NAYS:

NOTE: The minutes set forth herein are an extract of the Council meetings. Anyone desiring a transcript of the complete minutes of the Council meeting may obtain the same at a cost of \$10.00 per page.